

----- -X

In re:

David and Kimberlee Darling : BK No. 16-10367

Debtor(s) : Chapter 7

----- X

CONSENT ORDER re: STATUS HEARING ON LOSS MITIGATION

The Court, having scheduled a status hearing on loss mitigation for July 6, 2016, at which counsel for the Debtor(s) and M&T Bank as serviced by Bayview Loan Servicing (the “Creditor”) have been ordered to appear; and by agreement of the parties,

IT IS HEREBY AGREED:

- ~~(1) The Debtor(s) shall provide all documents requested by the Creditor by _____ (the “Response”).~~
- ~~(2) The Creditor shall conduct a preliminary review of the information submitted by the Debtors, and if the Creditor requires additional information, the Creditor shall, by email or written correspondence, provide the Debtors’ counsel with a list of any additional information it requires by _____ after receiving the Response (the “Additional Information Request”).~~
- ~~(3) The Debtor(s) shall fully respond to any Additional Information Request and provide all requested documents to Creditor within ____ days after receiving the same from Creditor.~~
- ~~(4) The parties have agreed to a permanent or temporary loan modification and (a) if a Chapter 13 case, then the Debtor will file a Motion to Approve Loan Modification by _____, or (b) if a Chapter 7 case, then loss mitigation may be terminated as successfully completed and the parties anticipate filing Form D setting forth the terms of the loan modification by _____.~~

(5) Other Comments: The Creditor advised Debtor's Counsel that it will no longer act on reviewing the loan modification documentation as the discharge had been entered. The Debtors are considering filing a Motion to Rescind or Amend the Discharge and are otherwise attempting to reach a settlement with the Creditor.

(6) In lieu of a status report, the parties request that a continued status hearing on loss mitigation be scheduled by the Court.

Agreed to this ____ day of July, 2016.

Debtors

By counsel:

/s/ Peter J. Furness

Boyajian, Harrington, Richardson & Furness
182 Waterman Street
Providence, RI 02906
(401) 273-9600
peter@bhrlaw.com

Creditor

By counsel:

/s/ Amy Magher, Esq.

Michienzie & Sawin, LLC
745 Boylston Street
Boston, MA 02116
(617) 227-5660
amagher@masatlaw.com

Consent Order Approved on this ____ day of _____, 20__.

Honorable Diane Finkle
U.S. Bankruptcy Judge

Date of Continued Status Hearing: